GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Animal Husbandry Department – Allegation of corruption against Dr.T. Venkateswarlu, Asst. Director (Animal Husbandry) (Retd), Adoni, Kurnool District – Trapped – Prosecuted – Convicted – Imposed a penalty of withholding of pension and gratuity permanently – Criminal appeal filed by the A.O. and set aside the judgment of Trial Court by the Hon'ble High Court – S.L.P. filed by the Government in the Supreme Court of India against the orders of the Hon'ble High Court – Request of the applicant to release pensionary benefits – Orders – Issued.

ANIMAL HUSBANDRY DAIRY DEVELOPMENT & FISHERIES (Dy&Vig(2)) DEPARTMENT

G.O.RT.No. 254 Dated: 10.11.2015

Read the following:-

1. G.O.Rt.No.148, Animal Husbandry Dairy Development & Fisheries (Vig) Dept., Dt.07.04.2005.
2. G.OMs.No.56, Animal Husbandry Dairy Development & Fisheries (Vig) Dept., Dt.24.06.2006.
3. Judgment dated: 27.12.2012 of the Hon'ble High Court of Andhra Pradesh, in Criminal Appeal No.1744 of 2005.
4. From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.Rc.No.137/RCT-KUR/1998-S.6, dated: 31.05.2013.
5. Govt.Memo.No.3519/VS.1/2013, dated: 24.07.2013.
6. From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.Rc.No.137/RCT-KUR/1998, dated:31.07.2013 addressed to the Spl. Officer, O/o the Advocate on Records, Supreme Court of India, New Delhi under a copy to Govt.
7. Representation Dt.05.02.2015 of Dr. T. Venkateswarlu, Asst. Director (Animal Husbandry) (Retired), Adoni, Kurnool district.
8. Govt.Memo.No.3519/Dy&Vig(2)/2013, dated: 05.03.2015 & 07.05.2015.
9. From the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad, Lr.Rc.No.137/RCT-KUR/1998-S.6, Dt.30.05.2015.

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ORDER:

Dr.T. Venkateswarlu, formerly Asst. Director (Animal Husbandry), Adoni and Dr. Kamalakar Reddy, Veterinary Asst. Surgeon, Veterinary Dispensary, Madira (Village), Adoni (Mandal), Kurnool District are trapped by the A.C.B officials on 16.09.1998. Considering the final report of the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad, prosecution orders were issued to prosecute the A.O., Dr.T. Venkateswarlu, formerly Asst. Director(Animal Husbandry), vide G.O.Ms.No.104, Animal Husbandry Dairy Development & Fisheries (AH.I) Department, Dt.13.10.1999.

2. On attaining the age of superannuation on 30.11.2004, Dr.T. Venkateswarlu, Asst. Director (Animal Husbandry)(Retired) was sanctioned provisional pension under Rule 52 of the A.P. Revised Pension Rules, 1980, vide G.O. 1st read above, pending finalization of the judicial proceedings (prosecution) against him before the trial court.

(PTO)

3. Consequent on his conviction by the Addl. Spl. Judge for SPE & ACB Cases, Hyderabad, in his judgment, dated: 07.11.2005 in C.C.No.2/2000, orders were issued imposing a penalty of withholding of pension and gratuity permanently against Dr.T. Venkateswarlu, Asst. Director (Retd), Adoni, Kurnool District, vide G.O. 2nd read above.

4. In the reference 3rd read above, the Hon'ble High Court of Andhra Pradesh in its orders Dt.27.12.2012 in Criminal Appeal No.1744 of 2005 filed by Dr.T. Venkateswarlu, Asst. Director (Retd), set aside the judgment pronounced by the Addl. Spl. Judge for SPE & ACB Cases, Hyderabad, in C.C.No.2/2000.

5. In the reference 4th read above, the Director General, Anti- Corruption Bureau, Andhra Pradesh, Hyderabad, has opined that it is a fit case to file an S.L.P. in the Supreme Court of India challenging the High Court verdict, and requested the Government to accord necessary permission to file Spl. Leave Petition before the Hon'ble Supreme Court of India, to defend the case.

6. In the reference 5th read above, Government have accorded permission to the Director General, Anti- Corruption Bureau, to file an S.L.P. in Hon'ble Supreme Court against the Judgment of Hon'ble High Court of Andhra Pradesh, in Criminal Appeal No.1744 of 2005, dated: 27.12.2012 in respect of Dr. T. Venkateswarlu, Asst. Director (Retd).

7. In the reference 6th read above, the Director General, Anti- Corruption Bureau, Andhra Pradesh, Hyderabad, has requested the Spl. Officer O/o the Advocate on record, Supreme Court of India, New Delhi to file S.L.P. in the Hon'ble Supreme Court of India on behalf of the State Government, Anti- Corruption Bureau against acquittal orders of the Hon'ble High Court of Andhra Pradesh, in Criminal Appeal No.1744 of 2005.

8. In the reference 7th read above, Dr.T. Venkateswarlu, Asst. Director(Retd), has submitted a representation, stating that in view of the acquittal by the Hon'ble High Court beyond all reasonable doubt, he has to be exonerated from the charge leveled against him. He is entitled for treating the period of suspension as duty for all purpose even if any S.L.P. is pending, as per the Judgment of Hon'ble High Court in Chief Commissioner of Land Administration Vs. R.S. Ramakrishna Rao (2010 (2) ALD 773) held that:-

> "In so far as criminal cases are concerned, the department has got a right to file an appeal. But it cannot be said that the judicial proceedings have not been concluded once the criminal court acquits the accused if must amount to be the conclusion of the judicial proceedings in first instance. Therefore, the appeals filed against the acquittal orders cannot be treated as continuation of the criminal proceedings. The High Court further held that if the appeal is not in continuation of the original criminal proceedings, the orders of acquittal is final order within the ambit of Rule 52 of the Pension Rules. After the orders of the acquittal are passed by the criminal court, as already stated above, there is no power for the Government to withhold pension or retirement benefits. The said benefits therefore, are liable to paid immediately after acquittal order".

9. The individual has therefore, requested the Government to examine the entire issue in the right perspective and pass orders duly sanctioning pensionary benefits as per above Judgment of Hon'ble High Court, declaring the suspension period as on duty, since the conviction orders passed by Trial Court was set aside by the High Court.

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10. In the reference 8th read above, the Director General, Anti- Corruption Bureau, Andhra Pradesh, Hyderabad has reported that, the Bureau filed S.L.P. in the Hon'ble Supreme Court of India on 31.07.2013, the S.L.P. is still pending. As regards, sanction of pensionary benefits to the individual, Government may take a decision as per the A.P. Revised Pension Rules, 1980.

11. After careful examination of the matter in detail and also keeping in view the orders of the Hon'ble High Court of Andhra Pradesh as stated in Para (8) ante, Government have decided to revoke the orders issued in the G.O. 2nd read above and to sanction pensionary benefits i.e., pension and gratuity to Dr.T. Venkateswarlu, Asst. Director (Retd), as per the A.P. Revised Pension Rules, 1980, subject to final outcome of the S.L.P. pending against him, in the Hon'ble Supreme Court of India.

12. Accordingly, Government hereby ordered to revoke the orders issued in the G.O. 2nd read above and to sanction pensionary benefits (i.e., Pension and Gratuity) to Dr.T. Venkateswarlu, Asst. Director (Retd), as per the A.P. Revised Pension Rules, 1980, subject to final outcome of the S.L.P. pending against him, in the Hon'ble Supreme Court of India.

13. The Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad shall take necessary action accordingly and report compliance to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad(w.e).
Dr.T. Venkateswarlu, Asst. Director (Retd), Adoni, Kurnool District,
through the Head of the Department, Animal Husbandry, Andhra Pradesh, Hyderabad.

Copy to:
The Accountant General, Andhra Pradesh, Hyderabad.
The Director of Treasuries & Accounts, Andhra Pradesh, Hyderabad.
The Pay & Accounts Officer, Andhra Pradesh, Hyderabad.
The Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER